

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-07-108-GF-BMM-01

Plaintiff,

vs.

SUNNY RAY RAMIREZ,

Defendant.

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on December 23, 2015. (Doc. 133.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 17, 2015. (Doc. 132.) Ramirez admitted that she violated conditions of her supervised release. The violations are serious and warrant revocation of Ramirez's supervised release. Judge Johnston recommends that this Court revoke Ramirez's supervised release and that the Court sentence Ramirez to 60 days in custody on each count to run concurrently, followed by 34 months of supervised release on each count to run concurrently. (Doc. 133 at 6.)

Ramirez registers a criminal history category of I. The current offense registers as a Grade C violation, and the underlying offense registers as a Class D felony. The Court could sentence Ramirez to a maximum of 24 months imprisonment on each count under the statute. Under the applicable guideline, the Court could impose a sentence of 3 to 9 months imprisonment on each count. Ramirez could be placed on supervised release for up to 37 months on each count, less any custody time imposed.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Ramirez's violations of her conditions are a serious breach of the Court's trust. A sentence of 60 months imprisonment on each count to run concurrently with a term of 34 months of supervised release on each count, to run concurrently, represents a sufficient, but not greater than necessary, sentence.

IT IS HEREBY ORDERED that Judge Johnston's Findings and Recommendations (Doc. 133) is ADOPTED IN FULL. **IT IS FURTHER ORDERED** that Defendant Sunny Ray Ramirez shall be sentenced to **60 days imprisonment** followed by **34 months of supervised release**.

DATED this 19th day of January, 2015.

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with "Brian" on the first line and "Morris" on the second line.

Brian Morris
United States District Court Judge